

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**  
ASHEVILLE DIVISION  
CASE NUMBER 1:20CV66

CARYN DEVINS STRICKLAND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

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**MOTION TO SET TRIAL DATE**

Defendants, United States of America, *et al.*, respectfully request the Court set a new trial date in this matter. As the Court will recall, the Court previously scheduled the jury-waived trial for September 5, 2023. *See* Tr. of Final Pretrial, ECF No. 262, at 18. On August 2, 2023, the Court granted the parties’ joint motion to refer the case to mediation. *See* Order, ECF No. 261. On August 17, 2023, the parties participated in a mediation with Magistrate Judge Bowler, and the parties continued informal settlement discussions after that mediation. The parties, however, have not reached an agreement to settle this matter and Defendants do not expect that further settlement negotiations would lead to a settlement.

In addition to referring the case for mediation, the Court’s August 2 Order also stayed all existing deadlines for 45 days and directed that, after 45 days, those deadlines “will resume with the same amount of time that was pending on today’s date.” *See id.* That 45-day stay expired on September 16, 2023. Accordingly, Defendants calculate that the new deadline for Plaintiff’s re-opened deposition is October 15, 2023. *See* Order, ECF No. 233. Defendants also intend to complete any remaining expert discovery. *See* Order, ECF No. 187.

Because 34 days were pending before the September 5 trial date, Defendants respectfully request that the Court set this matter for trial on a date after October 20, 2023, which is 34 days after

the stay lifts. Defendants report that they are available for trial on the weeks of October 30, November 13, and December 11. Other weeks between October 20 and the end of the year present scheduling conflicts for one or more of Defendants' witnesses for various reasons, including but not limited to the fact that the U.S. Court of Appeals for the Fourth Circuit has court week scheduled for the weeks of October 23 and December 4, a witness is counsel for federal court trials already scheduled for the weeks of November 6 and December 4, and personal travel is planned for the weeks of November 20, November 27, December 18, and December 25. If the Court prefers, Defendants are happy to appear for a status conference to discuss trial scheduling.

Pursuant to Local Civil Rule 7.1(b)(2), the undersigned conferred with Plaintiff's counsel regarding this Motion. Plaintiff's counsel asked the following to be included in this Motion: "Plaintiff opposes Defendants' motion and intends to file a response pursuant to W.D.N.C. LCvR 7.1(e)."

Dated: September 18, 2023

Respectfully submitted,

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/s/ Joshua Kolsky  
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